

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL D. RAYMOND, et al.,

Plaintiff,

vs.

No. CIV-09-177 ACT/RHS

BRYAN NEAL, et al.,

Defendants.

**ORDER SUBSTITUTING PREVIOUS ORDER
ON PLAINTIFFS' MOTION IN LIMINE**

This matter comes before the Court *sua sponte* based on matters discussed at the hearing on July 26, 2011 regarding Plaintiffs' Motion to Continue and Motion to Amend Complaint to name Leif Arvidson Previously Identified as a John Doe Defendant [Doc. 55].

On March 28, 2011, Plaintiffs filed a Motion in Limine [Doc. 38] to exclude all evidence and testimony regarding incidents which occurred on February 1, 2007 and to exclude any reference to or use of an Albuquerque Police Department incident report documenting events which occurred on the same date. Having received no response from Defendants, the Court granted the Motion in Limine on June 15, 2011 [Doc. 50].

In reviewing Plaintiffs' claims and based on representations made by Plaintiffs' counsel at the July 26, 2011 hearing, Plaintiffs did not intend to move to exclude all evidence and testimony regarding the events which occurred on February 1, 2007. To the contrary, the events of February 1, 2007 and any evidence or documents regarding the events are central to Plaintiffs'

claims. Therefore, the Court has reconsidered its granting of the Motion in Limine [Doc. 50] and will withdraw the June 15, 2011 Order [Doc. 50] and substitute it with this Order ruling as follows:

- a. Either party may refer to and offer as evidence the February 1, 2007 police report prepared by the Albuquerque Police Department; and
- b. Either party may offer relevant and admissible testimony regarding the events of February 1, 2007.

IT IS SO ORDERED.


ALAN C. TORGERSON
United States Magistrate Judge